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March 13, 1991

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Re: Millington Satellite RI/FS

Dear Doug:

Thank you for meeting with me on March 5 to discuss the RI/FS for the two Millington satellite sites with residential occupants.

I understand from the meeting that EPA is not prepared to let National Gypsum prepare the RI/FS or any part thereof for the White Bridge Road or the Vernon Road satellite sites. As I stated, National Gypsum is ready, willing and able to fulfill the RI/FS tasks for both the White Bridge Road and Vernon Road sites. National Gypsum has been ready, willing and able to do so at all times since it entered into Consent Order CERCLA 50103. As of the writing of this letter, National Gypsum continues in its desire for the opportunity to fulfill the entire RI/FS task under Order 50103.

Please be advised that National Gypsum does not agree to waive its right to undertake said RI/FS and does not agree to amend Order 50103 to permit EPA or its contractors to undertake such work. It is National Gypsum's position that under Order 50103 only National Gypsum may perform the RI/FS.

By undertaking to do the RI/FS on the two residential sites without National Gypsum's agreement or approval, it is

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Douglas R. Blazey, Esq.

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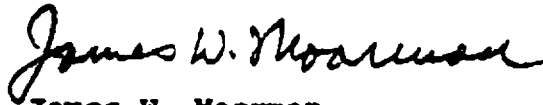
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National Gypsum's position that EPA has breached its obligations to National Gypsum under Order 50103. National Gypsum does not agree that EPA is justified to take such action pursuant to Section VI-A of Order 50103. By undertaking to do the RI/FS work itself, EPA is depriving National Gypsum of its right under Order 50103 to undertake such action.

I understand that the Agency has agreed to permit National Gypsum to engage in an in-depth review of the draft RI/FS report and accompanying data, to discuss same with EPA's contractor, Alliance Technical Services, and to provide EPA with comments prior to the finalization and public release of such documents. In this regard, I understand the material will be made available to Mr. Joe Keller of National Gypsum and Mr. Michael Barbara of McLaren Hart some time during the week of March 25th. I also understand that National Gypsum's contacts with Alliance Technical Services are to be coordinated through Ms. Pam Baxter.

National Gypsum is willing to engage in the review and provide comments provided the Agency agrees not to construe such actions as (1) a concurrence by National Gypsum in EPA's course of action; (2) an amendment to Order 50103; or (3) as a waiver of any of National Gypsum's rights. In the event that such collaboration by National Gypsum involves an opportunity for meaningful input, National Gypsum will take that fully into consideration in determining its course of action with regard to all aspects of this matter.

Very truly yours,



James W. Moorman  
Counsel for National Gypsum Company

cc: Rebecca Beasley  
Carolyn Wright

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